

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21221 CIV ALTONAGA/BROWN

RENEE BLASZKOWSKI, *et al.*,
individually and on behalf of others
similarly situated,

Plaintiffs/Class Representatives,

vs.

MARS INC., *et al.*,

Defendants.

/

**PLAINTIFFS' SECOND REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS TO THE IAMS CO.**

Pursuant to Federal Rule of Civil Procedure 34, the Plaintiffs hereby request the Defendant, The Iams Co. ("Iams"), to produce and make available for inspection and duplication, in response to each numbered paragraph, all documents specified herein which are in your possession, custody, or control or in the possession, custody or control of your agents or attorneys. You are requested to make such production within 30 days, or such other time as agreed, at the offices of Maltzman Foreman, PA, 2 S. Biscayne Blvd., Miami, Florida 33131.

INSTRUCTIONS

1. “Iams”, “Defendant”, “you”, and “your” refer to The Iams Co., any subsidiary, parent, or predecessor or other names under which The Iams Co. has conducted business, and its employees, officers, agents, and all other persons acting, understood to act, or purporting to act on its behalf under its direction or control.

2. The term “document” means any written or graphic matter or other means of preserving thought or expression and all tangible things from which information can be processed or transcribed, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including, but not limited to, correspondence, memoranda, notes, messages, letters, telegrams, teletype, telefax, bulletins, meetings or other communications, interoffice and intra-office telephone calls, diaries, chronological data, minutes, books, reports, studies, summaries, pamphlets, bulletins, printed matter, charts, ledgers, invoices, worksheets, receipts, returns, computer printouts, prospectuses, financial statements, schedules, affidavits, contracts, canceled checks, statements, transcripts, statistics, surveys, magazine or newspaper articles, releases (any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphic or natural records or representations of any kind (including without limitation photographs, microfiche, microfilm, videotape, recordings, motion pictures) and electronic, mechanical or electric records or representations of any kind (including without limitation emails, tapes, cassettes, discs and records).

3. The term “all documents” means every document or group of documents as above defined that are known to you or that can be located or discovered by reasonably diligent efforts.

4. As used herein the singular shall include the plural, the plural shall include the singular, and masculine, feminine and neuter shall include each of the other genders.

5. When producing the documents, please keep all documents segregated by the file in which the documents are contained and indicate the name of the file in which the documents are contained and the names of the documents being produced.

6. In the event such file(s) or document(s) has (have) been removed for the purposes of this action or for some other purpose, please state the name and address of the person who removed the file, the title of the file and each sub-file, if any, maintained within the file, and the present location of the file.

7. If you choose to withhold any documents from production for inspection and copying on the ground of privilege or the like, it is requested that, in addition to identifying the documents so withheld, you state the grounds for withholding the documents.

8. As used herein, "reflecting to," "referring to" and "relating to" shall mean comprising, directly or indirectly mentioning or describing, pertaining or referring to, being connected with, reflecting upon or resulting from the stated subject matter.

9. Further, electronic records should be provided as follows:

- a. The documents should be provided in native electronic format if that is a common and widely used format. If the native format is unavailable or it is not common and widely used then the documentation can be provided in another electronic format such as PDF.
- b. When producing electronic documents include all original and unaltered metadata, including file system metadata. If necessary this information can be supplied in a separate document.
- c. All of the data should be provided on a read only media such as CD or DVD that is appropriately labeled. Each file on the media should have its digital fingerprint, such as MD5 hash or SHA-1 hash, determined and that value recorded in a document that is contained on the media.

- d. If the same media is used for producing different data sources then each source, such as individual workstations, servers, and backup tapes whether onboard any ship or shore based facility, should be provided in separate folders on the media and the source and period covered by the data identified.

DEFINITIONS

1. "AAFCO" is the American Association of Feed Control Officials.
2. "APPMA" is the American Pet Products Manufacturers Association.
3. "BHA" is butylated hydroxylanisole.
4. "BHT" is butylated hydroxytoluene.
5. "BSE" is bovine spongiform encephalopathy.
6. "Co-packer" is a company or companies that manufacture commercial pet food for any brand that you market to the American public
7. "CVM" is the Center for Veterinary Medicine at the Food and Drug Administration
8. "FDA" is the Food and Drug Administration
9. "PFI" is the Pet Food Institute

RELEVANT TIME PERIOD

The relevant time period, for purposes of these discovery requests, is January 1, 2003 to the present, if not specifically stated in the request and unless otherwise noted.

DOCUMENTS AND THINGS TO BE PRODUCED

1. Documents reflecting the ingredients for each brand of pet food for the past (10) years.
2. All documents referring to or relating to euthanized animals, including cats and dogs, in any brand of pet food.
3. All documents relating to discarded supermarket meat in any brand of pet food.
4. All documents reflecting fecal matter in pet food.
5. All documents reflecting dead, dying and diseased animals in pet food.

6. All documents reflecting BSE in pet food.
7. All documents reflecting any human-grade ingredient in any brand of your pet food.
8. All documents reflecting mycotoxins in pet food.
9. All documents reflecting acetaminophen in pet food.
10. All documents reflecting aminopterin in pet food.
11. All documents reflecting glykoalkaloids in pet food.
12. All documents reflecting benzene in pet food.
13. All documents reflecting acrylamide in pet food.
14. All documents reflecting the approval by any branch of the United States government of glucosamine in pet food.
15. All documents reflecting the approval by any branch of any state government of glucosamine in pet food.
16. All documents reflecting the approval of AAFCO of glucosamine in pet food.
17. All documents reflecting any benefit, long-term or otherwise, from including glucosamine in pet food.
18. Any and all scientific evidence reflecting any benefit, long-term or otherwise, from including glucosamine in pet food.
19. All documents reflecting the approval by any branch of the United States government of chondroitin in pet food.
20. All documents reflecting the approval by any branch of any state government of chondroitin in pet food.
21. All documents reflecting the approval of AAFCO of chondroitin in pet food.
22. All documents reflecting any benefit, long-term or otherwise, from including chondroitin in pet food.
23. Any and all scientific evidence reflecting any benefit, long-term or otherwise, from including chondroitin in pet food.
24. All documents reflecting the approval by any branch of the United States government of chondroitin in pet food.

25. All documents reflecting the approval by any branch of any state government of Omega-3 fatty acids in pet food.
26. All documents reflecting the approval of AAFCO of Omega-3 fatty acids in pet food.
27. All documents reflecting any benefit, long-term or otherwise, from including Omega-3 fatty acids in pet food.
28. Any and all scientific evidence reflecting any benefit, long-term or otherwise, from including Omega-3 fatty acids in pet food.
29. All documents reflecting that any ingredient, or combination of ingredients in your pet food will make a cat live a long life.
30. All documents reflecting that any ingredient, or combination of ingredients in your pet food will make a dog live a long life.
31. All documents reflecting the manner in which any of your pet foods prevents tartar from accumulating.
32. All documents reflecting the manner in which any of your pet foods prevents plaque from accumulating.
33. All documents reflecting that dry food has a deleterious effect on the health of a cat.
34. All documents reflecting that dry food has a deleterious effect on the health of a dog.
35. All documents reflecting that use of soy may cause illness in a cat.
36. All documents reflecting that use of soy may cause illness in a dog.
37. Documents reflecting the nature and source of any and all "real meat" in any of your pet food by brand.
38. Documents reflecting the nature and source of any and all "real vegetables" in any of your pet food by brand.
39. Samples of any and all of your pet food brands.
40. Samples of any and all real meat used in any of your pet food by brand.
41. Samples of any and all real vegetables used in any of your pet food by brand.
42. Samples of vitamin premixes used in any brand of your pet food in the original packaging and reflecting the brand in which it is used.

43. Samples of rendered product used in any brand of your pet food.
44. Documents reflecting the origin by country of each and every ingredient used in your pet food by brand and by ingredient.
45. Documents reflecting any studies or analyses of the amount of meat, i.e., animal protein, that is available for consumption by a cat or dog after processing.
46. Documents reflecting any studies or analyses of the amount of real vegetables that are available for consumption by a cat or dog after processing.
47. Documents reflecting the source of the "fiber" used in any of your pet foods by brand.
48. Documents reflecting the basis for the use of ethoxyquin in any brand of your pet food.
49. All documents reflecting studies conducted by your company of what ingredients in your pet food appeal most to a dog.
50. All documents reflecting studies conducted by your company of what ingredients in your pet food appeal most to a cat.
51. All documents reflecting what matter is sprayed on to each brand of your dry cat food.
52. All documents reflecting what matter is sprayed on to each brand of your dry dog food.
53. All documents reflecting that the "meat" used in your pet food is non-human grade, i.e., inedible for human consumption.
54. All documents reflecting that the "vegetables" used in your pet food are non-human grade, i.e., inedible for human consumption, i.e., inedible for human consumption.
55. All documents reflecting that the "grains" used in your pet food are non-human grade, i.e., inedible for human consumption.
56. Documents reflecting purchase(s) made by you for use in the manufacturing and production of pet food, including what was purchased, the quantity, grade, from where it was purchased, when it was purchased and what the material was intended to be used for in the manufacture and production of any brand of your pet food.
57. Documents reflecting purchases(s) made by any co-packer with which you do business for use in the manufacturing and production of pet food, including what was purchased, the quantity, grade, from where it was purchased, when it was purchased and what the material was intended to be used for in the manufacture and production of any brand of your pet food.

58. Documents reflecting the source of any proteins used by you or any co-packer in the production and manufacture of any brand of pet food that are not animal proteins, including the names of the non-animal type of proteins, the quantities used, and the purpose for which each non-animal protein is used.
59. Documents reflecting any and all ingredients used by you in the manufacture and production of all brands of pet food for the past five years.
60. Documents reflecting the ingredients used by you in the manufacture and production of all brands of pet food between 1980 and 1995.
61. All documents reflecting any initial change(s) made in ingredients for any and all pet food brands that you have purchased or acquired since 1975.
62. All documents reflecting any change(s) you required to be made in ingredients prior to the acquisition and/or sale for any and pet food brands that you have purchased or acquired since 1975.
63. Any documents reflecting membership in the Pet Food Institute (PFI) and the purpose for joining, becoming a member and/or associating with PFI.
64. All documents from PFI regarding membership in PFI and the purpose for joining, becoming a member and/or associating with PFI.
65. All documents sent to the PFI for the past ten (10) years.
66. All documents received from the PFI for the past ten (10) years.
67. Any and all research materials that you have obtained from the PFI for the past ten (10) years.
68. Any and all research materials that you have received from the PFI for the past ten (10) years.
69. Any documents relating to the use of ethoxyquin in pet food sent to or received from PFI.
70. Any documents relating to the use of BHA in pet food sent to or received from PFI.
71. Any documents relating to the use of BHT in pet food sent to or received from PFI.
72. All documents sent to the FDA for the past ten (10) years.
73. All documents received from the FDA for the past ten (10) years.
74. All documents relating to any investigations of the FDA for the past ten (10) years, including any and all warning letters.

75. All documents relating to the investigation of pentobarbital in pet food for the past twenty-five (25) years, including documents sent to or received from CVM, FDA, AAFCO or PFI.
76. All documents relating to the investigation of ethoxyquin in pet food for the past twenty-five (25) years, including documents sent to or received from CVM, FDA, AAFCO or PFI.
77. All documents submitted to the FDA for the approval of any or all of your pet food or any ingredient or proposed ingredient for the last ten (10) years.
78. All documents from the FDA regarding approval for any or all of your pet food any ingredient or proposed ingredient for the past ten (10) years.
79. Any documents relating to the use of ethoxyquin in pet food sent to or received from the FDA.
80. Any documents relating to the use of BHA in pet food sent to or received from the FDA.
81. Any documents relating to the use of BHT in pet food sent to or received from the FDA.
82. All documents from the FDA declining to approve any or all of your pet food or any ingredient or proposed ingredient, whether on a temporary basis or otherwise.
83. All documents that you have received from third parties that you have provided to USDA.
84. All documents that you have copies of that were provided by a third party to USDA that relate to pet food.
85. Mandatory testing conducted by USDA and the results of such testing and documents relating to the results of the testing.
86. Voluntary testing conducted by USDA and the results of such testing and documents relating to the results of the testing.
87. Mandatory testing submitted to USDA and the results of such testing and documents relating to the results of the testing.
88. Voluntary testing submitted to USDA and the results of such testing and documents relating to the results of the testing.
89. Any and all inspections of manufacturing sites conducted by USDA and documents relating to the results of those inspections.

90. Any and all inspections of rendering companies with which you do business by USDA personnel and documents relating to the results of those inspections.
91. Mandatory testing conducted by USDA and the results of such testing and documents relating to the results of the testing.
92. Voluntary testing conducted by USDA and the results of such testing and documents relating to the results of the testing.
93. Any and all inspections of manufacturing sites conducted by USDA and documents relating to the results of those inspections.
94. Any and all inspections of rendering companies with which you do business by USDA personnel and documents relating to the results of those inspections.
95. All documents that you have received from third parties that you have provided to any state agriculture department/state regulatory agency or office in any state where your pet food is sold that relate to pet food.
96. All documents that you have copies of that were provided by a third party to any state agriculture department/state regulatory agency or office where your pet food is sold that relate to pet food.
97. Testing conducted by any state agriculture department/state regulatory agency or office in any state where your pet food is sold and the results of such testing and documents relating to the results of the testing.
98. Mandatory testing you submitted to state agriculture department/state regulatory agency or office in any state where your pet food is sold and the results of such testing and documents relating to the results of the testing.
99. Voluntary testing you submitted to state agriculture department/state regulatory agency or office in any state where your pet food is sold and the results of such testing and documents relating to the results of the testing.
100. Any and all correspondence to and from state agriculture department/state regulatory agency or office in any state where your pet food is sold regarding pet food and treats.
101. Any and all inspections of manufacturing sites conducted by state agriculture department/state regulatory agency or office in any state where your pet food is sold and documents relating to the results of those inspections.

102. Any and all inspections of rendering companies with which you do business by state agriculture department/state regulatory agency or office in any state where your pet food is sold and documents relating to the results of those inspections.

Respectfully submitted,

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing was sent via electronic mail to all counsel on the attached service list on April 15, 2008.

/s Catherine J. MacIvor

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